IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.407 OF 2006

M/S GOA TECHNOSYS PVT. LTD. AND
ANR., ... Petitioners.

Versus

GOVT. OF GOA BY ITS CHIEF SECRETARY
AND ANR., ... Respondents.

Mr. Aires Rodrigues, Advocate for the Petitioners.

Mr. Kantak, AG with Ms. R. Chodankar, AGA for Respondents.

Coram:- DR. S. RADHAKRISHNAN &
N. A. BRITTO, JJ.

Date:- 18th September, 2006.

P.C.

Heard learned Counsel for the petitioner and the learned Advocate General for Respondent nos. 1 and 2.

2. The petitioner is challenging certain tender conditions alleging that they are malafide and arbitrary. The main contention of the petitioner is that as far as category (1) is concerned, the supplier should have atleast Rs.10 crores of annual turn over and by the said condition, Goan dealers will be excluded by the tender. However, perusing para 28 of the affidavit, it is made clear that Goan dealers are entitled to apply under category (3) wherein the annual turnover required is only Rs.1 crore.

3. The learned Counsel for the petitioner strongly contends that the Government ought not to have chosen the brand HP Printers. In fact, the petitioner itself had stated categorically that while supplying the computers during the year 2004-2005, HP brand printer was a superior brand with much better reliability, service support and the huge volume installed base.

4. Having regard to the judgments of the Supreme Court in **Global Energy Ltd., & Anr., v/s Adani Exports Ltd. & ors., (2005) 4 SCC 435,** and **Directorate of**

Education and anr., v/s. Educomp Datamatics Ltd., & ors., (2004) 4 SCC 19, we do not find any tender conditions to be arbitrary, discriminatory or actuated by malice.

5. The Petition is devoid of merits. Hence stands dismissed.

DR. S. RADHAKRISHNAN, J.

N. A. BRITTO, J.

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